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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,323	03/20/2001	John W. Garrett	2000-0184	2916

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EXAMINER

KIANERSI, MITRA

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/812,323

Applicant(s)

GARRETT ET AL.

Examiner

K. J. Martin  
~~S. J. Martin~~

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 21-05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. This action is responsive to the amendment filed on January 18, 2005. Claims 1, and 8-11 were amended. Claims 1-15 are pending.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, and 8-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Rao et al., U.S. Patent No. 6,789,118.

Rao teaches the invention as claimed including a multi-service network switch with policy based routing (see abstract).

As to claim 1, Rao teaches a method of operating a router in an a high-speed access network infrastructure connected to a plurality of service networks, comprising:

receiving an incoming packet with a source address, comparing the source address of the incoming packet to network addresses allocated to subscribers of services provided by a the plurality of service networks (see col. 9, lines 1-15, Rao discloses that the source address is used for looking up routing provisions); and

when the source address matches a network address allocated to a subscriber

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of services provided by a service network forwarding the packet to a router in the service network based only on the source address (see col. 9, lines 15-60, Rao discloses that if the source address is registered, then performing routing based on the policy table).

As to claim 2, Rao teaches the invention of claim 1 wherein the source address of the incoming packet is assigned to a network access device associated with the subscriber of services provided by the service network (see col. 9, lines 20-50, Rao discloses that the request is associated with the router).

As to claim 3, Rao teaches the invention of claim 1 wherein the service networks utilize the Internet Protocol and wherein the addresses are Internet Protocol addresses (see col. 9-10).

As to claim 4, Rao teaches the invention of claim 3 wherein the plurality of service networks are operated by different Internet Service Providers (see col. 4-5).

As to claim 5, Rao teaches the invention of claim 3 wherein the plurality of service networks offer access to different Internet Protocol-based services (see col. 4-5).

Claims 8-15 do not teach or define any new limitations above claims 1-5 and therefore are rejected for similar reasons.

5. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rao.

Rao teaches the invention substantially as claimed including a multi-service network switch with policy based routing (see abstract).

As to claims 6-7, Rao teaches the invention of claim 3.

Rao fails to teach the claimed limitation wherein the access network infrastructure comprises a hybrid fiber coaxial network wherein the source address of the incoming packet identifies a network access device attached to the hybrid fiber coaxial network with a cable modem.

However, "Official Notice" is taken that the concept and advantages of employing hybrid fiber coaxial network wherein the source address of the incoming packet

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identifies a network access device attached to the hybrid fiber coaxial network with a cable modem is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rao by including a hybrid fiber coaxial network and a network access device attached to the hybrid fiber coaxial network with a cable modem. One would be motivated to do so to implement a broadband networking standard based on point-to-point optical fibre networks.

6. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (571)272-4006. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Saleh Najjar

Primary Examiner / Art Unit 2157